

PRESS RELEASE

Congressman John Conyers, Jr.

**Fourteenth District, Michigan
Ranking Member, Committee on the Judiciary
Dean, Congressional Black Caucus**

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Conyers and Nadler Applaud U.S. District Court Decision Affirming Independence of U.S. Commission on Civil Rights

Representative John Conyers Jr., the Ranking Democrat on the House Judiciary Committee, and Representative Jerrold Nadler, the Ranking Democrat on the Subcommittee on the Constitution, welcomed today's decision by U.S. District Judge Gladys Kessler enforcing existing federal law which provides that each member of the of the U.S. Commission on Civil Rights shall serve a six year term.

"The language of the law was clear when we wrote it, and it is clear today," Rep. Conyers said, "Commission members serve six year terms. The President cannot change that fact simply because he does not like the views of some of the Commissioners."

"Not since Ronald Reagan's efforts to dismiss members of the Civil Rights Commission and pack it with political appointees sympathetic to his views had any president showed such disdain for the Independence of the Civil Rights Commission," observed Rep. Nadler. "The Court, by enforcing the law as Congress wrote it, has taken a courageous stand against this blatant attempt to undermine the Civil Rights Commission's independence, and in favor of the rule of law."

President Bush has taken the position, in contradiction to the plain language of the statute, that Commissioner Victoria Wilson, who was appointed to fill the vacancy left by the death of Judge Leon Higginbothom, could serve only the remainder of Judge Higginbothom's term. That date was November 29, 2001. In fact, the statute governing the Commission states clearly that the term of each Commissioner "shall be six years." 42 U.S.C. 1974(c). Ms. Wilson's term expires in January 2006. Despite the absence of a vacancy, President Bush nonetheless attempted to appoint a Commissioner with views more friendly to the administration, Mr. Peter Kirsanow, on November 29, 2001. The President never had the authority to make the appointment because no vacancy existed. The Court's ruling today upholds the law.

"The attempt to replace a sitting Commissioner is significant because it would deadlock the Civil Rights Commission on those matters of concern to the administration, such as the detailed report the Commission filed on election irregularities and civil rights violations during the last Presidential election," said Rep. Conyers. "But independent commissions exist to report the facts as they find them, without fear of political reprisal by those in authority. Today's ruling reinforces that independence and puts a stop to that attempted political reprisal."

"I hope the administration will abide by the Court's ruling and respect the Commission's independence," said Congressman Nadler. "A silenced Civil Rights Commission may make life more comfortable for the Presidents who appoint them, but without that independence, we will all pay the price in the loss of individual liberty. That is too high a price to pay."